

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LISA SPEARMAN,

Plaintiff,

vs.

STEVE BURDICK,

Defendants.

Case No. 2:12-cv-00960-MMD- GWF

**REPORT AND
RECOMMENDATION**

On July 9, 2012, the Court entered an Order (#2), denying without prejudice Plaintiff's Application to Proceed in Forma Pauperis (#1), and granting Plaintiff thirty days to submit a completed application or pay the \$350 filing fee. Plaintiff has not paid the required fee or submitted a completed application and affidavit in support of her request to proceed in forma pauperis. The Court therefore recommends that Plaintiff's Complaint be dismissed without prejudice for failure to comply with the Court's Order (#2). Accordingly,

RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiff's Complaint (#1-1) be **dismissed** without prejudice for failure to comply with the Court's Order (#2).

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly

1 address and brief the objectionable issues waives the right to appeal the District Court's order
2 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
3 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED this 15th day of August, 2012.

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7 GEORGE FOLEY, JR.
8 United States Magistrate Judge
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